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GIFT OF

T. S. PERRY

OF BOSTON



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**BLUNTSCHLI**

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**LIEBER**

AND

**LABOULAYE**

Lieber in New York, Laboulaye in Paris, and I in  
Heidelberg formed what Lieber used to call a scientific  
clover-leaf.—*Bluntschli*

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1884

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1884, Nov. 20,

J. S. Perry:  
Boston.

There is a religion under all the variety of sects;  
there is a patriotism under all the variety of parties;  
there is a love of knowledge and a true science under  
all the variety of theories.—*Lieber.*

FOR a long period, BLUNTSCHLI in Heidelberg, LABOULAYE in Paris, and LIEBER in New York were correspondents on subjects pertaining to International and Public Law. They are all now dead,—and the manuscripts of two of the three have found their way to the rooms devoted to History and Political Science in the Johns Hopkins University of Baltimore. Bluntschli's library was bought and presented to the university, by German citizens of that place in 1882, and his family gave his manuscripts.

Quite recently the widow of Francis Lieber decided to place in the same rooms copies of his printed books and his manuscripts. Her gift includes the author's copies of nearly all that he wrote, pamphlets, magazine articles, books. Very many of these publications are richly illustrated by his notes and comments. There are also a few valuable letters, especially his correspondence with Joseph Bonaparte (Count Survilliers).

The works written by Laboulaye have been added to the same collection,—so that these three names are likely to be always associated in the minds of historical students in Baltimore.

This juxtaposition has led to the printing of these pages.




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# BLUNTSCHLI.

(1808-1881.)

## GIFT OF THE BLUNTSCHLI LIBRARY.

 ON the 19th of November, 1881, a letter was addressed from Heidelberg to Baltimore by Dr. Samuel Rolfe Millar, saying: "As a pupil and friend of the deceased Geheimerath Bluntschli, I have been requested by his family to dispose of his library. Geheimerath Bluntschli's will directs that the library be sold, and, during his life, he expressed the wish that it might go to America and that it might be kept together." This letter and others from Heidelberg were afterwards quoted in a public lecture on the influence of Lieber and Bluntschli upon

International Law, with the suggestion that the working library of the Heidelberg professor be purchased by private subscription and transferred to the Johns Hopkins University. The idea was encouraged by German citizens in Baltimore, who, through the efficient mediation of Professor C. F. Raddatz, of the Baltimore City College, contributed the sum requisite for the purchase and transfer of the Library. On the 20th of December, 1882, the Bluntschli collection of books and pamphlets was publicly presented to the Johns Hopkins University by Colonel Raine, editor of the *Deutsche Correspondent*, in the name of his German fellow citizens, about forty in number, who had contributed towards the doubly patriotic object of presenting the library of a German statesman to an American University. The names of the donors are elsewhere commemorated in a parchment roll, which now hangs in the Bluntschli Library, and are printed in the University Circular for February, 1883, together with the presentation address by Colonel Raine and the official acknowledgment made by the Hon. George

W. Dobbin in behalf of the Board of Trustees. The Bluntschli Library has now been classified, catalogued by subjects and authors, and arranged in alcoves devoted to International Law, Politics, Economics, History, and Jurisprudence. It has been consolidated with the previously existing library of the Seminary of Historical and Political Science, although each book belonging to the Bluntschli collection bears that name upon the inside label, with the inscription, "Presented by the German Citizens of Baltimore." The original Bluntschli collection numbered about twenty-five hundred volumes and three thousand pamphlets. By further gifts, purchase, and consolidation it has grown to about eight thousand volumes and over ten thousand pamphlets. The additions have been chiefly in the departments of English and American History, Political Science, United States Public Documents, State Laws, Statistics, Canadian and English Blue Books, etc. But the Bluntschli Library remains the heart of the growing collection and maintains a vitality which is all its own. The contents of the

Bluntschli Library have been described in detail by Dr. J. F. Jameson in the University Circular for February, 1883. In this connection a general notice will suffice. The Bluntschli Library is especially rich in works of Roman Law, wherein Bluntschli began his academic work. It is also very strong in Swiss Law and Institutions, which represent Bluntschli's transition to the study of Germanic legal antiquities. The constitutional law and history of the German States and German Empire and of Modern Europe indicate the widening circles of his scientific interest. Most important of all is the well assorted collection of books and pamphlets on Modern Politics, Church and State, and International Law. These were the fields of his inquiry and influence during the last twenty years of his life. It is most interesting to observe the development-process of a man's life-work as represented by his private library and published writings. The latter topic will be considered in another connection, but here it may be observed that there are two notable aspects of the Bluntschli collection, (1) the

manuscript material for Swiss History, and (2) the pamphlet material for the study of the Modern State and of Modern International Law. The Swiss Canton and the *Welt-staat*, these are the beginning and the end of Bluntschli's scientific work after he had emancipated himself from the dominion of Roman Law by participation in the politics and legislation of his times.

Among the manuscript materials relating to Switzerland is a fine collection of local records of Swiss towns and cantons. These are all copies, but they are of considerable antiquity. They represent the local laws, customs, and institutions of such primitive democracies as the Canton of Appenzell, which is described by Mr. E. A. Freeman in his work on "The Growth of the English Constitution." In the first note to the first chapter of that book (new edition, 1884) Mr. Freeman refers, among his authorities, "to the early chapters of the great work of Bluntschli, *Geschichte des schweizerischen Bundesrechts* (Zürich, 1849)." Here are the materials that Bluntschli used, materials as valuable for the

American student of Swiss institutions as they were to Bluntschli himself, for, as Mr. Freeman observes, "On the early history of the democratic Cantons. . . . I am not able to point to any one trustworthy work in English." Aside from the records of Swiss Cantons, there is a remarkable old folio, bound in vellum and entitled "*Vom eltesten Regiment der Stadt Zürich so man wüssenn mag,*" with lists of Ritters, Bürgers, and Zunftmeisters, reaching back into the twelfth century. Bluntschli, in his autobiography, speaks of his father as "ein schlichter Bürger, der sich durch Einsicht und Fleiss ein ansehnliches Vermögen erworben hatte." It appears from this ancient copy of local records that, for over four hundred years, the Bluntschlis had been in the city council of Zürich. Who could have been better fitted than the scion of such stock to write the Constitutional and Legal History of the Town and Canton of Zürich? Bluntschli did this at the age of thirty. Professor Maxime Kovalevsky, of Moscow, who visited Baltimore in 1882, said that, in some respects, this was Bluntschli's best work. It

expounds ancient Germanic Law and Institutions in distinction from those of Germany which had been cast into Roman moulds by German professors. But, if old Germany survived in Switzerland, a good bit of historical Switzerland now survives in Baltimore. Perhaps the most remarkable Swiss manuscript is one of the sixteenth century containing the customs of the Grafschaft Kyburg, whence came the mother of Rudolf of Habsburg. This district of Canton Zürich was afterwards one of the possessions of the Habsburg family. The sources of Swiss liberty as well as of the Habsburg power are to be found in the lands in and around the Cantons of Zürich and Aargau.

The Bluntschli pamphlet collection, while extremely rich in documents and materials relating to the Swiss Cantons, is perhaps strongest in monographs upon the laws, institutions, and politics of Modern States and upon the law of nations. Bluntschli's position as editor of the German Political Dictionary and as president and member of the *Institut de Droit International* brought him into personal rela-



tions with specialists, not only throughout Germany, but also in various European states. From jurists, publicists, and statesmen everywhere,—Greece, Italy, Austria, Russia, France, Belgium, Holland, England, and the United States—as evidenced by autographs of presentation, came pamphlets addressed to Bluntschli. The political and international problems of all of these countries are illustrated in this class of literature far better than in books. These pamphlets have now been classified in groups and are being catalogued by subject and author, so that they may become readily accessible. Among the groups of greatest interest and value are those on the Constitutions of the German Empire, of the German States, Austria, Italy, and other countries; Institutions of Government; Branches of Legislation; Codes; Administration; Elections; Representation; Minorities; Ecclesiastical Questions; the Vatican Council; International Conferences; Arbitration; Intervention; Extradition; Neutrality; Treaties; Laws of War; and a great variety of special topics in Modern Law, History, and Politics.

# LIEBER.

(1800-1872.)

## RECEPTION OF THE LIEBER MANUSCRIPTS.

**I**N the spring of 1884, Mrs. Francis Lieber presented to the Johns Hopkins Library copies of the books written by her husband, and with them she placed on deposit, his manuscript annotations of these writings and some other valuable papers. These books, soon afterwards, were distributed among the students of History and Political Science, for examination, and it was agreed that reports in regard to their contents should be made on Lieber's eighty-fourth birth-day, which fell upon the eighteenth day of March, 1884. At that time, an historical

meeting was held in the rooms devoted to such studies. A bust of Lieber, crowned with a garland, was placed in a position of honor. Photographs and portraits of Bluntschli and Laboulaye were at hand. The chair was occupied by Professor H. B. Adams, once a pupil of Bluntschli's, and at his side sat Brevet Lt. Col. G. N. Lieber, U. S. A., the only surviving son of Dr. Francis Lieber. Dr. Adams introduced the exercises by a biographical sketch of the publicist in whose honor the meeting had been assembled, touching briefly on the Memoir by Perry, and on the published estimates of Thayer, Woolsey, Von Holst, Bluntschli and others, and giving a fuller account of a very recent article by Pauli, in which Lieber is compared to Grotius and Montesquieu. He then introduced each one of the speakers to whom had been assigned the examination of some part of the manuscripts and books already placed upon the table, and in doing so, he indicated the phase of Lieber's activity which was then to be considered.

By request, the President of the University, Dr. Gilman, first gave brief personal reminiscences of Lieber, and read some parts of a letter from Mrs. Lieber, to whose liberality the Library was indebted for the books and manuscripts of her husband committed to its care. He handed to the Society in her name a photograph of Lieber.

Dr. Adams then spoke of Lieber's academic training and adventurous early life. He was wounded in the battle of Waterloo. He enlisted in the cause of liberating Greece. Returning by way of Italy, he visited the historic capital of the world.

Lieber's early and close relations with Niebuhr, the historian and the German ambassador to Rome, were then narrated by Dr. A. L. Frothingham, Jr., long a resident of that city. He gave an account of the published reminiscences of this acquaintance, which exerted a life-long influence on the mind of Lieber. Bluntschli's notes of Niebuhr's lectures at the University of Bonn were also exhibited.

Dr. Adams next made a reference to Lieber's sojourn in England, in consequence of Niebuhr's advice, and to his subsequent arrival in the United States, bringing with him Niebuhr's introductions to gentlemen in Boston. The *Encyclopædia Americana* represented the Boston phase of Lieber's work, and was essentially an adaptation of the famous Brockhaus *Conversationslexicon* to the peculiar needs of an American public. Lieber himself, however, wrote many entirely new articles, among the most valuable of which are those on the "Common Law" and "Constitutions" which reveal his sympathy with English institutional liberty, the leading feature of his political philosophy as developed in after years.

Remarks were next made by Mr. Arthur Yager, A. B., upon Dr. Lieber's annotated copy of his translation of "*The Penitentiary Systems of the United States*" by De Beaumont and De Tocqueville, which he published in 1833, while resident in New York. This work was the result of an elaborate investigation of our peni-

tentiary system, which these distinguished Frenchmen had made under the special commission of their Government. Dr. Lieber translated it at the request of his friends, the authors, and added an introduction and notes of his own. Some convenient scientific terms, such as "Criminalist," "Bureaucracy," were said to have been first introduced into the English language by this translation.

Mr. Edward Ingle, A. B., described the Constitution for Girard College, which was prepared and presented by Dr. Lieber at the request of the Trustees in 1833, and published by them in 1834. This is the chief literary memorial of the years during which the author resided in Philadelphia. The copy before the speaker contained many corrections and annotations, which he described. The thorough, systematic and broad character of the plan was noticed. A sentence quoted by Edward Livingston in a letter inserted at the end of the copy was alluded to as characteristic of the spirit of the book. "There is a religion under all the variety of sects; there is a patriotism under all the

variety of parties; there is a love of knowledge and a true science under all the variety of theories."

The various phases in the development of the volume called "Political and Legal Hermeneutics," the first fruits of Dr. Lieber's long residence in Columbia, South Carolina, as Professor in the South Carolina College, were described by Dr. J. F. Jameson, who spoke of the articles in the "American Jurist" in 1837 and 1838; the second edition in 1839, the manuscript notes, (forming a portion of the deposit already mentioned) which Dr. Lieber made for a proposed third edition about 1860; and finally, the third edition, published in 1880, edited by Chancellor Hammond. The doctrines of the book were briefly summarized, and its contributions to the theory of interpretation and construction indicated.

Mr. Davis R. Dewey, A.B., reported upon the richly annotated copy of the "Political Ethics." The first edition of this work was published in 1838. From that time until his death, Lieber collected a mass of new material

evidently intended for a thorough revision. These notes were given to Dr. Woolsey, who made but little use of the added notes. It was therefore pointed out that there is in this copy valuable material not yet published. The speaker also noticed, as indicating the elaboration of Dr. Lieber's work, that, although much was intended for insertion, no sentence was marked for omission.

The third of the larger treatises produced by Lieber while in Columbia, S. C., entitled "On Civil Liberty and Self-Government," was originally published in 1853. After he came to New York, a revised edition was printed. To this he made many additions which were placed in the hands of President Woolsey, who edited the third posthumous edition.

Two or three of those present said that their first introduction to the study of political science had been gained through Dr. Lieber's work on Civil Liberty and Self-Government.

Mr. T. Alexis Berry, A. B., proceeded to describe Dr. Lieber's "Essays on Labor and Property," and "On International Copyright, in



a Letter to the Hon. Wm. C. Preston." The "Essays" have passed through three editions, 1841, 1854, 1856. The copy considered was of the first edition. It was interleaved and Dr. Lieber had enriched it with numerous emendations and criticisms. An autographic sketch of the "genesis" of the work, in which he traced it from its first inception in 1828, or 1829, to its completion, was referred to as of peculiar value and interest. His letter "On International Copyright," which was printed in 1840, and republished in his "Miscellaneous Writings" in 1880, and in which he vigorously and logically urged his plea for an international copyright was also discussed. Attention was called to a copy of the American edition of 1834 of Say's "Political Economy," which Dr. Lieber used while Professor at South Carolina College, and to which he had added many annotations.

Mr. Woodrow Wilson, A. B., next reported upon the manuscripts relating to the Mexican Claims Commission of 1868, in which Dr. Lieber acted as umpire. He remarked the contrast ex-

isting between the voluminous arguments upon the various claims and the clear, concise, and altogether admirable decisions of the umpire, who, defining the "equity" enjoined in the articles creating the Commission, to be common sense and justice, went with few words direct to the core of each case, clearing the way with rapid argument and reaching his conclusions with unhesitating judgment. This he considered the chief characteristic of this work, which was the last task of Dr. Lieber's life, being not yet completed at his death in 1872.

Dr. Lieber's pamphlet writings and contributions to the periodicals were briefly described by Mr. Albert Shaw, A. B. The speaker referred to Lieber as the typical scholar in politics, the philosopher and thinker who took lively and patriotic interest in every current public question. This practical side of his life becomes abundantly evident on an inspection of his numerous miscellaneous brochures, scattered through a period of forty years and printed in a great variety of forms. For convenience the speaker divided the pamphlets into three groups,

first, those on miscellaneous topics, second, those dealing with questions of international law, third, those dealing with American constitutional and political subjects. It was shown that all his minor writings were called out by the existence of some practical question or controversy, and yet that they are models of judicial and impartial discussion. Dr. Lieber's services to international law were briefly stated.

Finally, Lieber's study of the conduct of Armies in the Field was mentioned, and the influence was pointed out which his thoughts upon this subject have had in codifying the laws of war and reducing to principles of equity and humanity the conduct of soldiers in time of war. His rules prepared at the request of Gen. Halleck were published in 1863, by the U. S. Government as "General Order, No. 100" of the Adjutant-General's office. They were afterwards reprinted and restated by Bluntschli. They have been translated into Spanish and have attracted the attention of publicists in many lands.

## SYNOPSIS OF LIEBER'S LIFE.

[From a notice of Perry's Life of Lieber, in the *Century Magazine*, September, 1882.]

Dr. Francis Lieber was one of the remarkable characters of our generation. A statesman without station in politics, he was an enthusiastic, versatile, learned, suggestive, vigorous thinker on public affairs, whose works have influenced the ablest men of this country, and whose fame is international. He was not popular in the sense of being one who elicited the applause of multitudes. As a writer, he was too profound for the general reader; as a teacher and lecturer, he was adapted to superior and not to inferior intellects; and so he seemed to have less influence than he really possessed. But he had the power of attracting, informing, and inspiring strong minds. Wherever he lived, he was surrounded by the best of friends, and engaged with them in the discussion of the loftiest themes. In Berlin, Rome, Paris, London, New York, Boston, and Philadelphia,

he made himself felt by his acquisitions, his good sense, his political wisdom, his love of duty and of right, his adhesion to the truth. He is foremost among many noble emigrants from Germany to America.

His long career was romantic. Follow him in the quick succession of events during an active period of sixty years,—watching the victorious appearance of the French in Berlin; harboring the desire to enter Napoleon's army that he might kill the conqueror; wounded in the battle of Waterloo; imprisoned by the Prussian government for his love of liberty; participating in the struggle of the Greeks for independence; walking through Rome with the historian Niebuhr, and making notes of his pithy sayings; becoming a proficient in athletic sports; confined again in prison for his political views; introduced by Niebuhr to Grote, and hoping to become teacher of German in the new London University; an immigrant in this country, looking for something to do; now writing letters for German journals; now conducting a swimming school (where John Quincy Adams, while Presi-

dent, displayed his skill); now studying the improvement of prisons, as one acquainted with duress; now translating Beaumont and Tocqueville's great work; now drafting, by request, an elaborate plan for Girard College, that it might be organized as a seminary for teachers, and as a technical institute; and now editing an *Encyclopædia Americana*, with the aid of Joseph Story and many other illustrious writers. At length, he was established as professor in the University of South Carolina at Columbia, where his great books on civil liberty, political ethics, and legal hermeneutics were written; but at last became so uncomfortable that he left his southern home, and was reestablished in New York as a professor in Columbia College. He was an incessant contributor to the newspapers, and a correspondent who never tired of exchanging letters; he was thoroughly roused by the Civil War, was consulted by Stanton, Halleck, Sumner, and others high in the national councils; was called upon to form a code for the government of armies in the field; was obliged to see, in his own family, brother turned against

brother (one son serving with the Confederate, and two with the Union army). He suggested to European publicists the formation of an international Institute of international law. He became keeper of the public military archives, to which were sent all papers captured in the South, and was afterwards appointed as an umpire in the settlement of claims between Mexico and the United States. Honored with many academic titles, he was more honored by the respect of his pupils and by the unqualified homage of the principal writers on public law in this country and abroad. Such is the record of a life now fully revealed to the public by the diaries and letters which he wrote from 1814 to 1872.

His biography, which has recently been published by Messrs. J. R. Osgood & Co., under the editorship of Mr. T. S. Perry, illustrates in a very curious manner the growth of ideas in the human intellect. With a little care, we can see over and over again the growth of a good germ, in a good soil, till it produces good fruit,—which, in its turn, may become the seed-corn in another hill.

# LABOULAYE.

(1811-1883.)

LETTER FROM THE HON. JOHN BIGELOW, FORMERLY U. S. MINISTER IN FRANCE.

**D**EAR SIR: I have great pleasure in complying with your request to send you "a few lines" of tribute to the memory of the late Professor Laboulaye. I do this with the more satisfaction because he had many titles to the respect and gratitude of the American people and to the special homage of that portion which is engaged in the various departments of public instruction.

His career was so conspicuous that, of course, I shall not venture to trench upon the province



of his biographer. I shall restrict myself to such personal reminiscences as may possibly lack other witness.

Very shortly after my arrival in Paris, in the fall of 1861, I was struck one morning by an article in the columns of the *Journal des Debats*, then, if not still, one of the most influential journals in Europe, which was written in a spirit of cordial sympathy with the Union cause in America, and what surprised me more, with what seemed to me an unusually correct appreciation of the matters at issue between the antagonized sections of our population. Till that time the *Debats* had been vacillating on the American question with a disposition to accept Michel Chevalier, an ardent Imperialist, for its guide. The article I have referred to was signed "Laboulaye," "de l'Institut." Being already quite familiar with M. Laboulaye's reputation as a professor in the College of France and as a lecturer upon the Constitutional history of the United States, I knew something of the value of our new ally. I at once addressed him a note, thanking him for the article, and asking

his permission to call and pay my respects to him in person. In the course of a day or two I received from him a note dated from an obscure country town where he had been spending the summer, in which, after professing much satisfaction with what I had written him, he assured me that he would be always happy to serve in any way in his power our cause, which he considered "the cause of Justice and of Liberty." He added that he should be in Paris the following month, when he would be pleased to see me any Thursday between one and five o'clock, and that as soon as he arrived he would call upon me. Very soon after his return I looked him up.

I was received in one of a suite of spacious rooms, *au premier*, crowded with books and numerous tables groaning under all the apparatus and teeming with the confusion of active and prolific authorship. The walls were decorated sparsely with curious and rare engravings. I found in M. Laboulaye, who presently entered, a gentleman of apparently middle age—he was then, in fact, in his fiftieth year—with a fine

compact figure, about five feet seven inches high, with a pleasant address and altogether an attractive looking man. He wore no beard, nor had he much occasion for the razor; he had the rich olive complexion, common to most people born in the southern departments of France; his voice was gentle and low, though clear and admirably modulated, and his hair, which was thin and brown, was brushed smoothly to the head, which, with his black frock-coat buttoned close to the chin—I never saw him dressed otherwise except at dinner—gave him a slightly clerical appearance. I saw at once that I was in the presence not only of a man of letters but a man of the world.

In spite of the limited opportunities of a first call I managed to come to a perfect understanding with him in regard to our American affairs, and from that time forth his pen and his influence were always at our service, and that too without any fee or hope of reward other than that which he realized from the triumph of institutions which for near twenty years he had been annually commending to the civilized

world. The *Debats* never faltered again in its defence of the Union cause, and, to the best of my recollection, M. Chevalier never appeared after that in the columns of the *Debats* as a writer on the domestic troubles of Americans. The article which thus brought me into personal relations with M. Laboulaye was the first of two elaborate reviews of M. de Gasparin's *L'Amerique devant L'Europe*. At my solicitation he furnished me a revised and annotated copy of these articles which I had nicely printed and distributed among all the most influential people of the Empire.

Any one who should infer, as they might, from these articles that M. Laboulaye's sympathy with the Union cause sprang entirely from his anti-slavery prejudice or sentiment would fall into a great error. He had been appointed Professor of Comparative Legislation as early as 1845, and since then had been a diligent and sympathetic student of the Constitutional history and polity of the United States. He had become thoroughly imbued with the theoretic principles of our government, and no American

probably was more convinced than he was that nowhere in this world outside of the United States could be found such durable guaranties to the people, of the right to life, liberty, and the pursuit of happiness. He thought it therefore a matter of world-wide concern that our republic, should prove its capacity to deal with the enemies of its own household. He was one of the very few conspicuous Frenchmen—perhaps, beside M. de Tocqueville, it would be difficult to name a third—who knew where the sovereignty of the State properly terminated and where the sovereignty of the people began, and he never ceased to deplore the inability of his countrymen to recognize the limitations of the powers of the State as taught by the fathers of the republic. "God knows," he says, in his preface to *L'Etat et ses Limites*, "that our ignorance on this subject has cost us dear. When we look back over the long series of our revolutions since 1789 we find that parties, though divided on everything else, are always in accord on one point. They regard power and liberty as irreconcilable enemies. With the liberals of the old school to weaken power was to fortify liberty. With

the partisans of order-at-any-price, to crush liberty was to fortify power; double and fatal illusion yielding only anarchy or despotism. When authority is disarmed, liberty degenerates into licence and perishes by its own excesses.

“‘What is too feeble to oppress,’ says wisely Bossuet, ‘is powerless to protect.’ On the contrary when liberty is sacrificed you will have a power which is neither sustained nor contained. . . . We must learn that authority and liberty are not two hostile powers made to devour each other eternally; they are two distinct elements making part of one and the same organism. Liberty represents the individual life, the state represents the common interests of society; they are two circles of action which have neither the same centre nor the same circumference. They touch at more than one point, but they should never be confounded.”

It is not surprising that the professor of such doctrines and the writer who displaced Chevalier in the *Debats* received no official recognition from the Imperial government. He was several times put in nomination for the Corps Legislatif, but the government was always strong enough and foolish enough to defeat him. When in contemplation of the invasion of Germany, the Emperor sought to conciliate the opposition by promises of introducing the par-

liamentary responsibility of ministers and emancipating the press, M. Laboulaye was one of the ingenuous and single-minded men of influence who took the bait. Prevost Paradol, Emile Olivier and Clement Duvernois, were the other conspicuous members of the opposition who were victims of the same misplaced confidence. All were formidable with their pens, all were prominent in the councils of their party, and all had to be disarmed before the Emperor cared to venture upon a foreign war, at least while his humiliation in Mexico was fresh in the public mind. They all listened to his proposals and all struck hands with him, but swift repentance overtook them all. Paradol accepted the mission at Washington and committed suicide. Duvernois accepted a place in the cabinet, fell into temptations which cost him his character and finally his life. Olivier accepted the ministry of foreign affairs; in a few months was a refugee and his master a captive. From the obscurity which he then courted he has never found it practicable or desirable to emerge. Laboulaye trusting in the

good faith of the Emperor publicly and cordially advocated the *Plebiscite* of 1870, taking no guaranties. He thus so completely committed himself to the imperial regime, that, fortunately for him, it was not thought worth while to waste upon him any of those imperial favors which were supposed to have had their weight in seducing the other gentlemen from the ranks of the opposition, and which, if tendered, he could hardly have declined even if he had been so disposed. This was fortunate for M. Laboulaye, for the worst that can now be said of him is that he allowed himself to be deceived and betrayed, but no one can say that he was bought. That he expected a place in the ministry there is no doubt; that he received none is his best defence against the shafts of calumny and detraction which were trained upon him by the party he had forsaken. When he found he had literally given himself away he was greatly chagrined, nor did he attempt to disguise it. Like a flooded rat he took refuge from politics in the high places of philosophy whence he contemplated with not entirely



silent contempt those whom he left behind him in the surging currents of partisanship.

"The press," he wrote me in June, 1870, "which has occupied itself but too much with me will have taught you how I supported the *Plebiscite*; how I failed of being in the ministry, and how I am still simply a professor insulted and outraged by fools. All these vicissitudes have not disturbed my tranquillity. Age renders one philosophical and my adversaries merit only contempt."

In the same letter he justifies his vote for the *Plebiscite*; *first*, because it was better to accept present liberty than take the chances of the unknown when the unknown means revolution; and, *second*, because the *Plebiscite* was a recognition that the constituent power resided in the people.

"I have more than twenty times repeated in my lectures that our Constituent Assemblies which claimed the right of giving constitutions to the people which did not suit them were usurping assemblies, and that such usurpations had always proved fatal to liberty. This idea, though so simple, has always seemed strange to us Frenchmen who always dwell in the souvenirs of 1789, and who in 1848 repeated all the blunders of their fathers, to fall into the same abyss. Instead of trying to comprehend

me they calumniated me and devoted me to hatred and public contempt, but with little success. Light begins to break. They will in the end comprehend that the American system is the only one which respects popular sovereignty and that I am right in defending it. In any case the Americans owe me this justice that I have suffered in defence of doctrines learned in their school."

Soon after the war with Germany had been declared, but before the opposing armies had taken the field, I wrote to caution him against putting too much of his limited means in the new loan to which his countrymen had been invited to subscribe, assigning as a reason for presuming to advise him upon such a matter, that I had just been through Germany from one end to the other, and had satisfied myself that the result of the war was likely to disappoint him, and that if France did not sustain a prompt defeat she would have to sustain a protracted and wasting war.

I soon received from him a very long reply, reviewing the whole situation and predicting with confidence the triumph of the Emperor. One of the amusing features of his letter was

his forecast of what was to happen after Germany was defeated.

"The general opinion is that there will be more than one battle, and that the war will end at the gates of Berlin or Paris. They say that the Emperor is animated by the most peaceful intentions and would be satisfied with keeping Prussia from the Rhine by putting, as in former times, some little principalities between the two people; but if we are conquerors public opinion will be more exacting and the Emperor will be overruled. We want a permanent peace, not conquests, which is not saying, however, that both sides of the Rhine would not be included among the conditions of peace."

At a later stage of our correspondence, and after France had capitulated to Germany, forgetting the conditions of peace that he expected to have imposed upon that power, the seizure and re-annexation of Alsace and Lorraine to Germany was made one of the strongest counts in his indictment against the Emperor Wilhelm and his victorious army.

Patriotism and love seem to be equally indifferent to the conclusions of logic.

The result of the war was as much of a surprise as an affliction to M. Laboulaye, for, in

common with most of his countrymen in those days, he believed in the invincibility of the French armies and in the Napoleonic star. Though it filled his heart with inexpressible bitterness towards the German people in general, with some of whom he had for many years held the most cordial relation, and towards Bismark in particular as the incarnation of vandalic barbarism, the humiliation of France gave him a prominence in public affairs for which he had sighed, and would forever have sighed in vain under the Empire. In 1871 he was chosen to the National Assembly and made Chairman of the Committee for the re-organization of Public Instruction in France, and in 1873 was appointed Director of the College of France, and also to the remunerative dignity of Senator for life.

He filled the position of a representative always with dignity and ability, but he never became the focus of any considerable popular influence. His standards were all too high for effective political partisanship. Though imbued with liberal opinions, his sympathies were with the

accomplished class with which, in books or in society, he had always lived and among whom he had found all his models. His health was always delicate, a circumstance which tended to diminish his by no means numerous points of contact with the world at large. He knew as little of the life, needs, aspiration and trials of the unlettered classes as Nicodemus knew of the second birth. He was an Academician and "like a star he dwelt apart."

As a lecturer he was a great success. He spoke with a fluency and elegance which entitled him to be compared not unfavorably with Villemain. He had a most captivating humor with which he often enlivened his lectures, but which he never ventured to indulge without restraint, except in his *Paris en Amerique*, which has been by far the most widely read of all his writings. His class-room was always thronged, and his popularity with his pupils was unbounded.

He was a man of most exemplary character and life. He had no habits for which his admirers had to apologize. He lived "as ever

in his great task-master's eye," nor was his name ever associated with any cause, business or enterprise which did not reflect back upon him all the dignity he conferred upon it. Hence his name, tongue or pen were often in demand for the promotion of works of beneficence, where he always appeared to advantage. Laboulaye was a frequent contributor to the periodical press, but the works by which he will be known to succeeding generations are:

Histoire du droit de propriété foncière en Europe depuis Constantin jusqu'à nos jours. 8vo. Paris. (1839.)

Essai sur la vie et les doctrines de Frédéric Charles de Savigny. (1842.)

Recherches sur la condition civile et politique des femmes depuis les Romains jusqu'à nos jours. (1843.)

Essai sur les lois criminelles des Romains concernant la responsabilité des Magistrats. (1845.)

Histoire Politique des Etats Unis, 1620-1789. (3 vols. 1855-1856.)

L'Etat et ses Limites. (1863.)

Paris en Amerique. (1863.)

Les Memories et la Correspondance de Franklin. (1866.)

Lettres Politiques. (1872.)

He also published in the early part of his career a translation of some of the writings of Dr. Channing with a memoir.

At the risk of lengthening this communication already much too long for your purposes, I will add that it was to M. Laboulaye's zealous co-operation I was indebted for the discovery and final acquisition of the original MS. of Franklin's autobiography of which for more than half a century our literature had lost the trail.

Yours very respectfully,

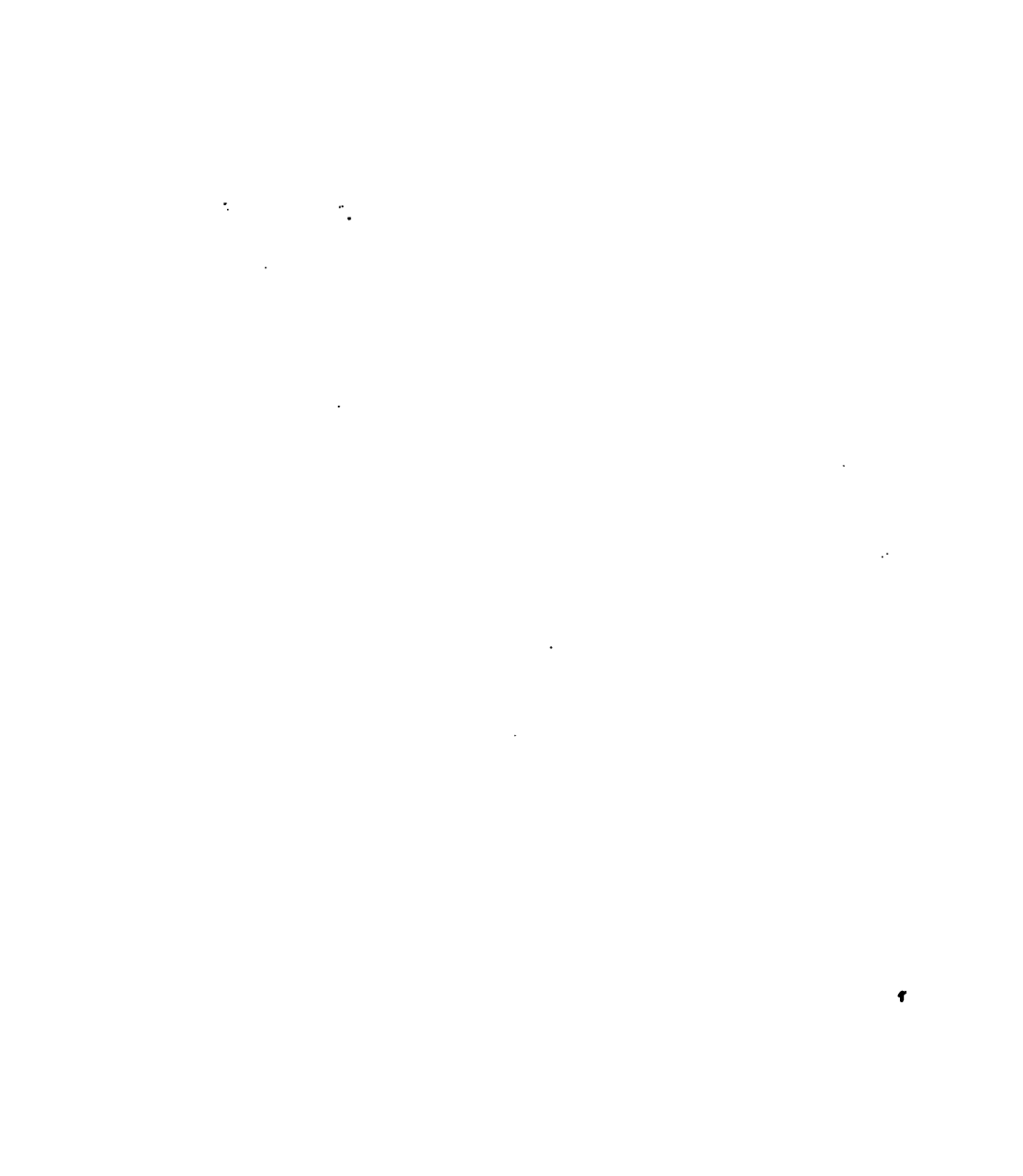
JOHN BIGELOW.

21 Gramercy Park,  
New York, May 9, 1884.

To D. C. GILMAN, Esq.,  
President of the Johns Hopkins University.

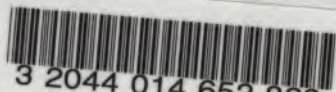
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